

REMARKS

The present application was filed on January 5, 2004 with claims 1 through 25. Claim 12 was cancelled in the Amendment and Response to Office Action dated October 12, 5 2006. Claims 1-11 and 13-25 are presently pending in the above-identified patent application. Claims 1, 13, and 23 are proposed to be amended and claims 8-10 and 19-21 are proposed to be cancelled, without prejudice, herein.

In the Office Action, the Examiner rejected claims 1-4, 6-8, 10, 11, 13-16, 18, 19, and 21-24 under 35 U.S.C. §102(b) as being anticipated by Crawford (United States Patent 10 Publication Number 2003/0002471 A1), and rejected claims 5, 9, 17, 20, and 25 under 35 U.S.C. §103(a) as being unpatentable over Crawford.

Independent Claims 1, 13 and 23

Independent claims 1, 13, and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Crawford. Regarding claim 1, the Examiner asserts that Crawford discloses a 15 predictive antenna selector that evaluates a signal quality of each of said plurality of antennas of at least a portion of one prior frame and selects an antenna to communicate one or more frames based on said signal quality evaluation (see, paragraphs [0049], [0079], and [0180]).

Independent claims 1, 13, and 23 have been amended to incorporate the basic limitation of claim 10. In rejecting claim 10, the Examiner asserted that Crawford discloses the 20 cited limitation in paragraph [0053] and FIG. 5. In the text cited by the Examiner, Crawford teaches that,

with the PHY-layer frames 212, the signal quality of each of L=8 different receive antenna branches B1, B2, B3, B4, B5, B6, B7, B8 is measured, or probed or scored, during the preamble portion 214. The preamble portion 214 takes advantage of the two complete RF receivers 104,106 (FIG. 1) in that each probing sequence (or probing portion) is *used to evaluate two antenna branches at a time*. Specifically, antenna branches B1, B5 are probed during probing portion 218, antenna branches B2, B6 are probed during probing portion 220, antenna branches B3, B7 are probed during probing portion 222, and antenna branches B4, B8 are probed during probing portion 224. In this way the preamble portion 214 is used for probing the available diversity branches. Such antenna probing may also be referred to as antenna scoring (Paragraph [0053].)

Crawford does not, however, disclose or suggest that the signal quality of each of a plurality of antennas are evaluated based on a *weighted schedule*. Independent claims 1, 13, and 23, as amended, require that the signal quality of each of a plurality of antennas are evaluated “based on a weighted schedule”

5 Thus, Crawford does not disclose or suggest the signal quality of each of a plurality of antennas are evaluated based on a weighted schedule, as required by independent claims 1, 13, and 23, as amended

Dependent Claims 2-11, 14-22 and 24-25

Dependent claims 2-4, 6-8, 10, 11, 14-16, 18, 19, 21, 22, and 24 were rejected
10 under 35 U.S.C. §102(b) as being anticipated by Crawford, and claims 5, 9, 17, 20, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crawford.

15 Claims 2-11, 14-22, and 24-25 are dependent on independent claims 1, 13, and 23, respectively, and are therefore patentably distinguished over Crawford because of their dependency from amended independent claims 1, 13, and 23 for the reasons set forth above, as well as other elements these claims add in combination to their base claim. Claim 8-10 and 19-21 are proposed to be cancelled, without prejudice.

All of the pending claims following entry of the amendments, i.e., claims 1-7, 11, 13-18, and 22-25, are in condition for allowance and such favorable action is earnestly solicited.

20 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

/Kevin M. Mason/

5

Date: April 22, 2007

10

Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560